

## **THE CLEAN WATER ACT DIGEST**

Mark A. Ryan  
Assistant Regional Counsel  
U.S. EPA Region 10

Amanda J. Helwig  
Water Enforcement Attorney  
U.S. EPA

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### **ATTORNEY WORK PRODUCT**

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This Digest grew out of a simple list of cases on the Clean Water Act that I started years ago. Whenever I researched a subject or ran across a new case, I saved it in my “CWA Case List.” Over the years the list has grown large, but due to its ad hoc nature, it has never been truly comprehensive. I have attempted to include every CWA authority I have run across, yet I have undoubtedly missed many.

**The caveats.** This Digest should be used as a tool in researching the CWA, and should be used together with other traditional legal research sources. I have not read every case cited in this Digest. Some of the parenthetical case summaries come from court decisions, law review articles and briefs, or were provided to me by other EPA lawyers. If it’s badly written, it’s likely mine. I have checked many, but not all, for accuracy. Save for the occasional correction sent to me by another EPA attorney (for which I am grateful), this is literally a one-man effort, done mostly on the side of my other duties. I have no proof-readers to check my work. As with all secondary sources, the careful researcher should treat this Digest as a guide, and check all citations before relying on them.

**How to use the Digest.** The Digest categorizes the various elements of the CWA by key word. Each section is organized in the following order: applicable statutory provisions, regulations, Supreme Court, Courts of Appeal, District Court, State Court, EAB and ALJ decisions, congressional history, Federal Register, EPA guidance documents, law review articles. If other sections of the Digest may be applicable, there is a See also reference at the end of the section. If you are not sure where a case, statutory or regulatory provision is located within the Digest, search the Digest by using the Word search function (Edit and Find).

Mark Ryan  
April 23, 2010  
Boise, Idaho

After 20 years and almost 700 pages, Mark has turned the Digest over to new hands. While I know the Digest will evolve through the years, I intend to maintain it in the same manner Mark has established, aiming to research and include all CWA authorities. Mark has developed a remarkable legacy in the Digest, and I am honored to continue it moving forward.

Mandy Helwig  
October 18, 2010  
Washington, DC

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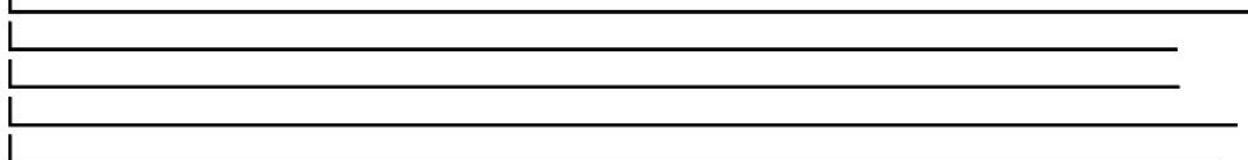
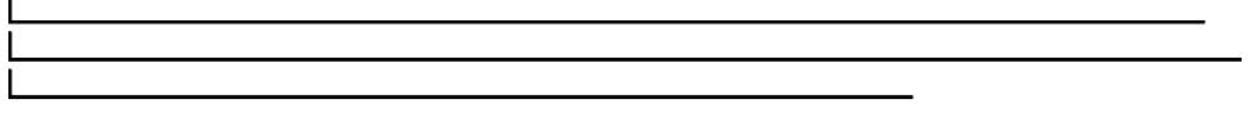
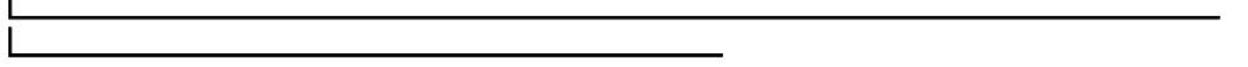
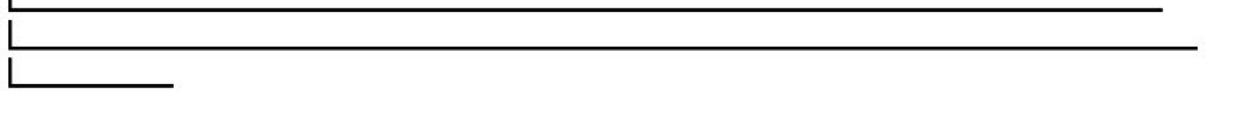
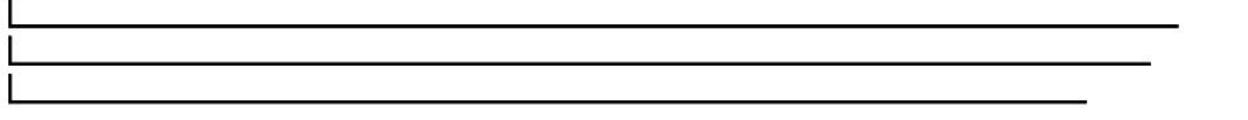
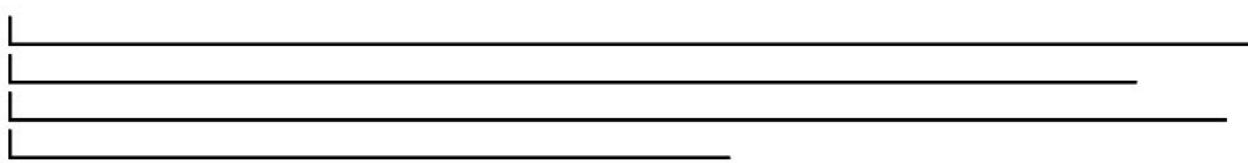
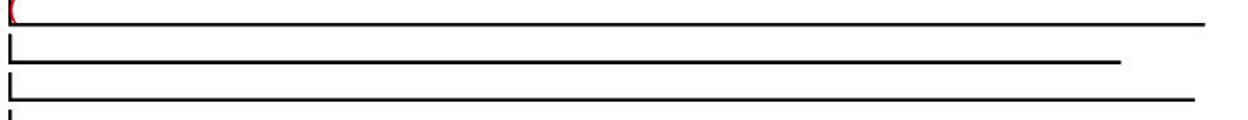
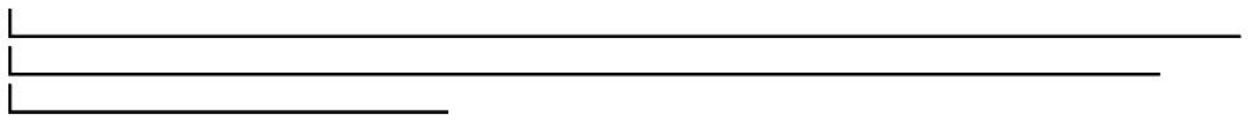






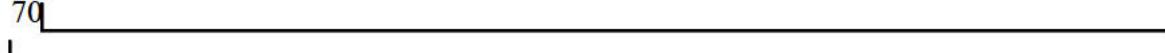






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74 Fed. Reg. 62664 (Nov. 30, 2009) (proposed Stream Buffer Zone and Related Rules)

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69 Fed. Reg. 1,036 (January 7, 2004) (proposed modification to “stream buffer zone” rule by























































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































